

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SEAN O'TOOLE, et al.,

Plaintiffs,

v.

CITY OF ANTIOCH, et al.,

Defendants.

Case No. 11-cv-01502-PJH

**ORDER RE TRIAL EXHIBITS AND
VERDICT FORM**

On November 24, 2014, the court issued a case management and pretrial order requiring the parties to file certain pretrial documents no later than 28 days before the pretrial conference (i.e., no later than September 10, 2015). See Dkt. 96 at 3. The order also required the parties to submit two sets of exhibits to the Clerk's Office. See id.

The September 10 deadline was ultimately continued to September 14, though the court made clear that "[n]o further modification to this deadline will be considered." See Dkt. 181. Despite the court's clear instruction, the parties failed to meet the September 14 deadline. The next day, the court issued an order making clear that all documents must be filed by September 15, "or the parties risk having their papers stricken and disregarded." See Dkt. 198. The order also stated that the court would "consider sanctions for any future late filings." Id.

While most of the pretrial documents were submitted, the parties failed to submit their exhibits to the Clerk's Office. As of today, over two weeks past the September 14 deadline, the exhibits still have not been submitted. While the court understands that the exhibit list has now been modified in light of the partial settlement reached in this case, the parties have offered no justification for failing to submit any of the exhibits.

1 Accordingly, the court orders the parties to submit two sets of exhibits to the Clerk's
2 Office no later than **4:00 p.m. on October 1, 2015**. Failure to do so may result in
3 sanctions.

4 Additionally, despite the court's clear instructions that the deadlines would not be
5 further modified, that the parties ran the risk of having any future late filings stricken and
6 disregarded, and that the court would consider sanctions, the Antioch defendants still did
7 not file a proposed verdict form, nor have they offered any explanation or justification for
8 their failure to do so over the past two weeks. Although the court is inclined to find that
9 defendants have waived their right to submit a proposed verdict form, it will consider their
10 proposed verdict form if it is filed by **4:00 p.m. on October 1, 2015**.

11 **IT IS SO ORDERED.**

12 Dated: September 30, 2015



13 PHYLLIS J. HAMILTON
14 United States District Judge
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